|                                 | Case 2:08-mj-07247-ECV  | Document 7   | Filed 07/30/08   | Page 1 of 2   |         |
|---------------------------------|---|--|--|---------------|---------|
| 1                               | wo  |  |  |               |         |
| 2                               |   |  |  |               |         |
| 3                               |   |  |  |               |         |
| 4                               |   |  |  |               |         |
| 5                               |   |  |  |               |         |
| 6                               |   |  |  |               |         |
| 7                               | IN THE UNITED STATES DISTRICT COURT   |  |  |               |         |
| 8                               | DISTRICT OF ARIZONA   |  |  |               |         |
| 9                               | United States of America, Plaintiff,  |  | No. 08-7247-M  ORDER EXTENDING TIME TO   |               |         |
| 10                              |   |  |  |               |         |
| 11<br>12                        | V.  |  |  | INDICT        |         |
| 13                              | Raul Rivera-Rascon,   |  | (F   | irst Request) |         |
| 14                              | Defendant.  |  |  |               |         |
| 15                              | HAVING considered Defendant's Motion to Extend Time to Indict and good                                    |  |  |               |         |
| 16                              | cause having been shown;  |  |  |               |         |
| 17                              | THE COURT makes the following findings:   |  |  |               |         |
| 18                              |   | t has only recently been appointed;  |  |               |         |
| 19                              | 2. The defendant earnestly wishes to consider the plea offer extend                                       |  |  |               | ded by  |
| 20                              | 3. The defendant wishes to investigate possible defenses prior t considering the government's plea offer; |  |  |               | rior to |
| 21                              |   |  | ea offer, if accepted by the defendant and then the educe defendant's exposure to a significant term |               |         |
| 22                              | of impriso  |  | educe defendant s'exposure to a significant term   |               |         |
| 23                              | 5. If the defendant doe indictment the govern   |  | es not timely accept the plea offer prior to<br>rnment will withdraw said plea offer and any         |               |         |
| <ul><li>24</li><li>25</li></ul> | subsequen   | t plea offerous to the def   | fer after indictment would likely be less  |               |         |
| 26<br>27                        | to bar def  | Failure to extend time for indictment in this instance would thus operate to bar defendant from reviewing the government's plea offer in a meaningful way prior to indictment; and |  |               |         |
| 28                              |   | <b>,</b> 1   | ,  |               |         |
| 1                               |   |  |  |               |         |

7. The ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy indictment.

The Court therefore concludes that the ends of justice are best served by granting an extension of time to present the case to the grand jury and in excluding a period of thirty (30) days under the Speedy Trial Act. In making this determination, the Court has particularly taken into account that the failure to grant the Defendant's request "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

**IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for Indictment requesting an extension of thirty (30) days within the government may seek to indict defendant, is hereby granted.

**IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days in which the Government may present the case to the grand jury.

DATED this 29th day of July, 2008.

Lawrence O. Anderson United States Magistrate Judge